

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

GORDON WALLACE PERRY, JR.,

Defendant-Appellant.

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UNPUBLISHED

April 5, 2002

No. 236895

Roscommon Circuit Court

LC No. 92-002461-FH

Before: K. F. Kelly, P.J., and Doctoroff and Cavanagh, JJ.

MEMORANDUM.

Defendant appeals as of right from the order resentencing him to fifteen to thirty years' imprisonment for first-degree criminal sexual conduct, MCL 750.520b. We affirm.

Defendant pleaded guilty to one count of first-degree criminal sexual conduct, and he was originally sentenced to fifteen to thirty years' imprisonment. On appeal, the prosecutor conceded error in the scoring of the sentencing guidelines, and the Court remanded the matter for resentencing. On remand, the parties agreed that the proper guidelines range was ninety-six to 240 months. The trial court imposed the same fifteen to thirty year sentence. Defendant's fifteen-year minimum sentence was within the guidelines range.

Defendant was properly resentenced under the judicial sentencing guidelines. See *People v Reynolds*, 240 Mich App 250, 254; 611 NW2d 316 (2000). Minimum sentences that fall within the guidelines range are presumed to be neither excessively severe nor unfairly disparate. *People v Broden*, 428 Mich 343, 354-355; 408 NW2d 789 (1987); *People v Bennett*, 241 Mich App 511, 515-516; 616 NW2d 703 (2000). Defendant has not identified any unusual circumstances that would render his sentence disproportionate. *People v Sharp*, 192 Mich App 501, 505-506; 481 NW2d 773 (1992).

Affirmed.

/s/ Kirsten Frank Kelly  
/s/ Martin M. Doctoroff  
/s/ Mark J. Cavanagh